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RUEHIL/AMEMBASSY ISLAMABAD 4194
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RUEHKT/AMEMBASSY KATHMANDU 0506
RUEHMO/AMEMBASSY MOSCOW 7421
RUEHNE/AMEMBASSY NEW DELHI 1139
RUEHTV/AMEMBASSY TEL AVIV 0490
RUEHDE/AMCONSUL DUBAI 0174
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UNCLAS SECTION 01 OF 06 TASHKENT 000580

SENSITIVE
SIPDIS

DEPT FOR INL ANDREW BUHLER; G/TIP FOR MEGAN HALL; SCA/RA
FOR JESSICA MAZZONE
MOSCOW FOR NAS PETE PRAHAR AND RLA TERRY KINNEY
DOJ/OPDAT FOR CATHERINE NEWCOMBE
BISHKEK FOR VALERIE CHITTENDEN

E.O. 12958: N/A
TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KCRM](#) [KWMN](#) [SOCI](#) [UZ](#)
SUBJECT: INTERNATIONAL ANTI-TIP WORKSHOP IN TASHKENT SETS
STAGE FOR FURTHER COOPERATION

REF: TASHKENT 366

TASHKENT 00000580 001.2 OF 006

1. (SBU) Summary: The Organization for Security and Cooperation in Europe (OSCE) and the United Nations Office on Drugs and Crime (UNODC) co-sponsored a major international anti-trafficking in persons (TIP) workshop on May 14-15 in Tashkent. Visiting American participants included a Congressional staffer and a U.S. Attorney with expertise on TIP cases who took full advantage of a rare opportunity to present U.S. case studies. As expected, the Government of Uzbekistan (GOU) touted its recently passed anti-TIP legislation as major progress and one lawmaker noted "that was just the beginning." Numerous host government officials stated that further changes to the criminal code will be forthcoming to supplement the law. Attendees agreed the law is very strong on victim protection but impressed upon GOU officials the need to follow through on effective implementation. Uzbek officials, both during the event and in separate meetings with the visiting Congressional staffer and poloff, expressed interest in more substantive cooperation with the United States on countering TIP. Recently a major point of contention, anti-TIP issues have the potential to become a bright spot in our relations. End summary.

Milestone Event

2. (U) OSCE and UNODC co-sponsored a major international

workshop on May 14-15 in Tashkent entitled "Promoting Law Enforcement and Judicial Cooperation Among Source, Transit, and Destination Countries to Combat Human Trafficking and Migrant Smuggling to and from Central Asia." The event attracted law enforcement and government officials, diplomats, NGO representatives, international organization officials, and experts from each of the five former Soviet Central Asian republics as well as Russia, Thailand, Israel, the United Arab Emirates, and the United States. The Collective Security Treaty Organization (CSTO) was also represented. A Congressional staff advisor from the U.S. Helsinki Commission also attended, and funding from the Bureau of International Narcotics and Law Enforcement Affairs (INL) supported the participation of a Moscow-based Resident Legal Advisor who took full advantage of a rare opportunity to share American prosecutorial experiences with Uzbek counterparts. This was the most high profile TIP-themed event to take place in Uzbekistan, and the first chance for the host government and the international community to publicly analyze the recently passed TIP legislation in the country.

Congratulations, But Keep Going

¶3. (SBU) Mahmoud Naderi, Chief of Mission of the International Organization for Migration (IOM) in Kazakhstan, reported that his organization estimates there are 800,000 TIP victims worldwide each year. Naderi congratulated Uzbekistan on its new law, which he described as "an important step in improving the legal framework," but added that "implementation is now key." (Note: IOM is not

TASHKENT 00000580 002.2 OF 006

registered in Uzbekistan but has been able to conduct anti-TIP work in the country. The time may be right for the organization and the Uzbek government to reconsider IOM's status. See septel. End note.) Numerous participants from Western countries and international organizations echoed Naderi's message of patting the hosts on the back while calling for effective implementation and further actions. One expert added on the margins that the breakthrough Uzbek legislative action (after years of prodding) could help finally pressure Russia into implementing similar draft legislation.

Uzbeks: "Law is Just the Beginning"

¶4. (SBU) Participants agreed that the new Uzbek law is particularly strong in victim protection, but it does not address criminal aspects of TIP (although the existing Article 135 has already been used for years to prosecute traffickers). However, Government of Uzbekistan officials stated multiple times during the workshop and in separate meetings with poloff and visiting Congressional staffer that subsequent changes to the criminal code are forthcoming. Sobir Jabborov, Deputy Chairman of the Oliy Majlis (lower house of Parliament) Legislative and Judicial-Legal Affairs Committee, noted that "the law is just the beginning." He also noted that further cooperation with the United States on this issue is welcome as Uzbekistan seeks to implement its law. In a separate meeting with poloff and visiting Congressional staffer on May 16, Farkhod Hamraev, the Ministry of Foreign Affairs Head of the UN and International Political Organizations Department (which is responsible for TIP issues), confirmed that the national action plan required by the law will be finalized by the Ministry of Justice very soon. He also said the GOU intends to continue projects with the UNODC on implementing the new law, and he challenged the U.S. to step forward to provide sponsorship if it is serious about the issue.

¶5. (U) Nodir Kurbanov, Senior Investigative Officer of the Ministry of Internal Affairs' (MVD) special anti-TIP unit, noted in his presentation that the Cabinet of Ministers

adopted a resolution one week after President Karimov signed the law that quickly set implementation into motion. Kurbanov said the process of drafting criminal code amendments is well underway and informed the audience that the national action plan is nearly complete. Significantly, he specifically said the role of NGOs such as Istiqbolli Avlod (the IOM-affiliated NGO in Uzbekistan and a major force in anti-TIP efforts) will be key. (Comment: This type of public statement from an Uzbek law enforcement official represents a big change from the not-too-distant past. An ongoing INL-funded project to train MVD officers has clearly helped build rapport between relevant NGOs and the Ministry. Indeed, Nodira Karimova, the Director of Istiqbolli Avlod, sat beside Kurbanov during his presentation and helped answer questions. End comment.)

¶6. (SBU) Kurbanov also described how, in accordance with the law, MVD will establish and operate a rehabilitation center for victims with the help of state funds. (Comment: The

TASHKENT 00000580 003.2 OF 006

public funding is certainly welcome news, but MVD is a law enforcement agency and it is unclear whether it can effectively implement a victim assistance program. However, Kurbanov mentioned that officials from 18 different agencies and institutions are collaborating on implementation. Local NGO representatives indicated the important thing is to specify victim protection in the law, which sends a message to officials that it needs to get done. End comment.)

U.S. Attorney Shares Successes and Shortcomings

¶7. (U) Visiting U.S. Attorney Terry Kinney, who is based in Moscow via the Department of Justice Office of Prosecutorial Development and Training (DOJ/OPDAT), presented examples of how criminal TIP cases were prosecuted in the U.S. both before and after appropriate legislation was in place. This was a valuable opportunity for Uzbek (and other Central Asian officials) to understand that developing and implementing TIP legislation is a long and bumpy road even in the United States. Kinney noted that, prior to developing new legislation, American prosecutors resorted to trotting out post-Civil War statutes targeting southern plantation owners who mistreated former slaves. This effectively demonstrated that inadequate legislation had to be addressed to fight this modern crime, and Kinney presented subsequent case studies (involving victims from the former Soviet Union) that showed how effective legislation and international cooperation contribute to the timely rescue of victims and strong prosecution efforts.

¶8. (U) Kinney described the positive impact of a joint U.S. and Russian anti-TIP working group that meets two times per year to coordinate efforts. He noted it should meet more frequently and also suggested it could form the basis for a regional working group to include Central Asian countries. (Comment: The recently established Central Asian Regional Information and Coordination Center (CARICC) may be a possible source of anti-TIP coordination. While it is currently counter-narcotics focused, perhaps the mandate could be broadened to include regional TIP issues of mutual multilateral interest. End comment.)

¶9. (SBU) Kinney's presentations on the American experience in fighting TIP, in which there was "an enormous information gap" between the federal and local entities, illustrated the need for training and coordination. This struck a chord with the Central Asian audience. In a separate meeting on May 16, MVD officials who were not present at the workshop asked poloff and Congressional staffer for more anti-TIP training, with a TIP unit supervisor noting "we only hear from NGOs and international organizations - who are good at prevention - but we never meet with your police." The MVD officials called on the U.S. to do more to "share experiences." (Comment: We consistently hear feedback from rank-and-file

law enforcement officers who enjoy interacting with colleagues in the trenches rather than meeting with officials in pinstripe suits. Recently, officials with MVD and Customs have been increasingly comfortable directly asking for training programs with the U.S., which suggests some sort of real or perceived barrier has been lifted. End comment.)

TASHKENT 00000580 004.4 OF 006

Kyrgyz Passports Debate

¶10. (U) Many presentations by participating delegations were sterile and scripted, but the most interesting substantive discussion centered on the widespread use of Kyrgyz passports by Uzbek trafficking victims. The key anti-trafficking NGO in Uzbekistan, Isiqbolli Avlod, reported that only a small number of victims depart from Tashkent Airport since the authorities are tough (this is consistent with what we have heard over the past year). Rather, Uzbeks often fly from alternate Central Asian airports such as Osh (Kyrgyzstan) or Chimkent (Kazakhstan) using false Kyrgyz passports. Tilekmat Moldobaev, the Kyrgyz MVD's Head of Division on Combating Illegal Migration, stated that in 2006 an entire planeload of trafficking victims was intercepted at Osh Airport. Of the 62 United Arab Emirates-bound passengers, 60 were Uzbek women, one was Kyrgyz, and one was a Turkmen citizen. Four were underage and none were older than 25 years-old; all had false Kyrgyz passports, and Moldobaev noted that a common tactic is to switch passports mid-flight.

¶11. (U) Moldobaev said the investigation into this case is still ongoing, but progress is slow since many victims have returned to Uzbekistan and it is difficult for prosecutors to interview them (assuming they are willing to talk). Limited access to victims was a core theme in the conference from the standpoint of both source and destination countries. Kurbanov of the Uzbek MVD noted that "this conference will be a good push for us to work with regional counterparts, especially Kyrgyzstan." Such efforts should include Uzbek authorities facilitating access for Kyrgyz investigators, but Uzbek officials also called on Kyrgyzstan to improve the security of its passports, and Kurbanov noted that in one recent case a valid Kyrgyz passport was used. The Kyrgyz delegation noted that the problem is mainly with old, low-tech passports and that the new generation of documents is much more secure. Kurbanov noted "no offense to our Kyrgyz counterparts, but we need to resolve this together."

¶12. (U) Central Asian officials lamented that poor people in rural areas sell their documents to criminal organizations, who then alter documents for traveling victims. At this point Captain Ahmad Obaid Bin Hadibah of the Dubai Police General Headquarters noted that it is imperative for stolen/lost passport data to be immediately provided to Interpol. He also highlighted the need for source countries to more effectively intercept false passports since it is much more difficult in the destination countries' ports of entries.

Israeli Efforts Disrupt Trafficking

¶13. (U) Dalia Avramoff, Senior Deputy to the District Attorney of Tel Aviv, informed participants that there are almost no Uzbek victims anymore (this is consistent with local NGO reports we have heard). She described Israel's first law in 2000, which was supplanted by a much tougher one

TASHKENT 00000580 005.2 OF 006

in October 2006. Avramoff concluded that Israel "succeeded with ardent implementation" of this law in reducing the instances of trafficking. However, as enforcement efforts

increased, the need for victims' shelters became apparent as officials struggled with what to do with victims. This presentation was appreciated by Central Asian counterparts who are now linking enforcement and victim protection measures. Avramoff emphasized that plea bargains with shorter sentences are sometimes the best prosecutors can hope for given limitations in evidence, chiefly victims' unwillingness to testify. Israel, she said, has been successful in securing compensation (averaging USD 10,000) for victims as a prerequisite to plea bargains that ensure victims can start a new life after their ordeals.

Turkmen: No Trafficking Here

¶14. (U) Eziz Charyev of the General Prosecution Office of Turkmenistan, highlighted a new anti-TIP law adopted in October 2007. The Turkmen delegation disappointed several attendees by insisting that thus far there have been "no actual cases of trafficking" in Turkmenistan. Rather, they said, there have been some potential cases uncovered, and Turkmenistan will continue to focus on prevention efforts.

Challenges to International Coordination

¶15. (U) One discussion focused on the need for source and destination countries to get on the same page in terms of definitions, as differences can often preclude prosecution efforts or mutual cooperation. One prosecutor called for more "worldwide uniformity of what exactly constitutes criminal offenses" concerning human trafficking. Sentencing consistency between countries was also cited as a contentious issue. One Western commentator recalled expressing surprise at seemingly light sentences to a Central Asian interlocutor, who retorted "you don't know what our prisons are like." Joint investigations, when they are practical, pose questions as to whether to file charges in source, transit, or destination countries. Olga Zudova, UNODC Senior Legal Advisor, discussed the difficulties of designing extradition treaties that satisfy multiple parties without being generic.

ODIHR Side Program

¶16. (SBU) Shortly before the conference began, the Uzbek Ministry of Foreign Affairs approved a request by the conference organizers for representatives of the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) to conduct a brief side program focusing on the role of NGOs in anti-TIP activities. The approval was granted late but was nonetheless a positive sign given the critical election report ODIHR recently released on the December 2007 Uzbekistan Presidential elections and the OSCE's tenuous relations with Uzbekistan in the human dimension. NGOs from Israel, Russia, and Kyrgyzstan made presentations. Rom Levkovich of the Israeli NGO Hotline for Migrant Workers was sharply critical of the Israeli government's handling of

TASHKENT 00000580 006.2 OF 006

victims and prosecutions in some instances, but Avramoff's rebuttals from a prosecutorial perspective allowed for an engaging look at the problems at hand from different viewpoints.

Comment

¶17. (SBU) As noted in reftel, the Government of Uzbekistan timed the adoption of its new anti-TIP law with this major international workshop in order to ensure a positive assessment by participants, who duly gave credit where credit was due. The Government of Uzbekistan was certainly not surprised by the corresponding message that it needs to actually follow through, and its representatives were quick to propose cooperative endeavors with neighboring countries

and training assistance programs with the United States. Uzbekistan has clearly become more comfortable with trafficking in persons as a fairly safe item on the domestic political agenda that could at the same time boost its overall image on human rights and enhance ties with the West. Thus, while TIP has been a bone of contention in the recent past it has the potential to become a bright spot in our relations if the Uzbeks are serious about conscientious implementation of their new law. They seem to have the political will to do so.

NORLAND